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MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of :  
Chen et al. : DECISION ON APPLICATION  
Application No. 10/597,066 : FOR  
Filed: July 10, 2006 : PATENT TERM ADJUSTMENT  
Atty. Dkt. No. FIS920030342US1 :

This is a decision on the "REQUEST FOR RECONSIDERATION FOR PATENT TERM ADJUSTMENT," filed on November 11, 2008. Applicants request that the initial determination of patent term adjustment be corrected from zero (0) days to two hundred seventy-six (276) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is TWO HUNDRED SEVENTY-SIX (276) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On September 16, 2008, the Office mailed a Determination of Patent Term Extension under 35 U.S.C. 154(b) (application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. Applicant was advised that the patent term extension to date was 0 days. The instant application for patent term adjustment was timely filed<sup>1</sup> on or before payment of the issue fee.

Applicants state that the subject application is entitled to patent term adjustment because it is a national stage of international application No. PCT/US04/01555, which was filed on January 16, 2004, which is after May 29, 2000.

<sup>1</sup> PALM records indicate that the issue fee was paid on December 16, 2008.

Upon review, applicants are correct. This application is a national stage entry of PCT Application No. PCT/US04/01555, which was filed on January 16, 2004. Since the international filing date of this application, January 16, 2004, is after May 29, 2000, the instant application is eligible for patent term adjustment.

Applicants assert entitlement to patent term adjustment for the mailing of a non-final office action on June 12, 2008, fourteen months and 276 days after the fulfillment of the requirements of 371.

37 CFR 1.703(a)(1) states that the period of adjustment under § 1.702(a) is the sum of the following periods: (1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

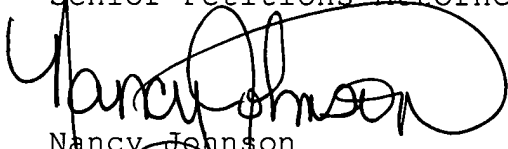
Pursuant to 37 CFR 1.703(a)(1), applicants are correct. On March 14, 2007, a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 was mailed, stating the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements was July 10, 2006. On June 12, 2008, fourteen months and 276 days after the date of fulfillment of the requirements under 35 U.S.C. 371, the non-final Office action was mailed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is TWO HUNDRED SEVENTY-SIX (276) days (276 days of PTO delay, reduced by zero (0) days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries regarding this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written over the typed name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Encl: Copy of Updated PALM Screen

Day : Monday  
Date : 5/18/2009

# PALM INTRANET

Time: 17:53:13

## PTE Calculations for Application: 10/597066

Application Filing Date:	07/10/2006	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	276
PTO Delay Adjustment:	276		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
41	05/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	276		
31	09/16/2008	MAIL NOTICE OF ALLOWANCE			
30	09/04/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
29	09/04/2008	CASE DOCKETED TO EXAMINER IN GAU			
28	09/04/2008	ISSUE REVISION COMPLETED			
27	09/04/2008	EXAMINER'S AMENDMENT COMMUNICATION			
26	09/02/2008	DOCUMENT VERIFICATION			
25	09/02/2008	NOTICE OF ALLOWABILITY			
21	08/16/2008	DATE FORWARDED TO EXAMINER			
20	07/22/2008	RESPONSE AFTER NON-FINAL ACTION			
19	06/12/2008	MAIL NON-FINAL REJECTION			
18	06/09/2008	NON-FINAL REJECTION			
15	07/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
11	07/03/2007	CASE DOCKETED TO EXAMINER IN GAU			
10	06/30/2007	TRANSFER INQUIRY TO GAU			
9	06/07/2007	PG-PUB ISSUE NOTIFICATION			
8	04/13/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
7.7	07/10/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
7	07/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	04/02/2007	APPLICATION DISPATCHED FROM OIPE			
5	07/16/2006	371 COMPLETION DATE			
4	03/13/2007	SENT TO CLASSIFICATION CONTRACTOR			

3	03/14/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	07/10/2006	CLEARED BY OIPE CSR			
1	07/10/2006	INITIAL EXAM TEAM NN			

Search Another: Application#

Search

### EXPLANATION OF PTA CALCULATION

### EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)